Chang et al v. Virgin Mobile USA LLC et al Doc. 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Revised 09/10/07

TO: All Attorneys of Record Appearing in a Case Assigned to United States District Judge Sidney A. Fitzwater and Designated for Enrollment in the Electronic Case Files System (including Attorneys in *pro se* cases)

STANDING ORDER[1] DESIGNATING CASE FOR ENROLLMENT IN THE ELECTRONIC CASE FILES "ECF" SYSTEM

The court has determined that this case will be enrolled in the Electronic Case Files ("ECF") system as an ECF case. Therefore, it is **ordered** that all counsel of record must register as an ECF user **within ten days of receipt of this order**, if they have not already done so. Licensed attorneys are **permitted**, **not required**, to file documents electronically in this case. Only licensed attorneys may submit documents for electronic filing; therefore, no *pro se* party (including a prisoner) will be permitted to register as an ECF user or submit documents electronically. To register, counsel must:

1. Review Miscellaneous Order Number 61;
2. Review the ECF Administrative Procedures Manual;
3. Complete the online attorney tutorial for ECF training;
4. Review the ECF User Guide;

[1]Upon opening a new case, the clerk must enter this Standing Order. If the plaintiff or petitioner in a civil action is proceeding *pro se*, the clerk may not distribute this order unless there is an order for process to issue. If process is ordered to issue, the clerk is directed at that time to send a copy of this order to the defendant or respondent with the service of the summons or show cause order.

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5. Complete the ECF Attorney/User Registration Form and submit it to the Clerk's Office; and

6. Ensure that any attorney granted *pro hac vice* admission as co-counsel in this case also registers as an ECF user.

Duty of Initiating Party to Serve ECF Designation Order upon Opposing Party

It is further **ordered** that in a civil ECF case, the party initiating the action in this court must serve a copy of this order on the opposing party(ies) with service of process or within five days of receipt of this order, whichever is later. If an additional party is joined in a civil ECF case at a later date, the party joining the additional party is **ordered** to serve a copy of this order on the additional party within five days of when the additional party is joined.

In a criminal ECF case, it is **ordered** that the government serve a copy of this order on defendant's counsel when defendant's counsel makes an appearance in the case on behalf of the defendant.

Electronic Case Files Requirements

After an attorney is registered as an ECF user, the attorney may submit documents for filing in this case using the ECF system. In doing so, counsel must observe the following directives:

1. **Governing Documents:** The case will be governed, unless otherwise ordered, by Miscellaneous Order Number 61, the ECF Administrative Procedures Manual, and the ECF User Guide.

2. **Service of Documents upon Non-ECF Users:** Service of documents upon non-ECF users (including *pro se* litigants) must be effected on paper in a manner authorized by Federal Rule of Civil Procedure 5.

3. **Judge's Copies** (*i.e.* "paper copies" of filings in ECF cases)**:** Each judge has specific requirements regarding the duplicate copy required by LR 5.1(b) and LCrR 49.2(b). These requirements are available on the court's website at www.txnd.uscourts.gov/pdf/judgescopyrequirements.pdf. Each required judge's copy must be marked "Judge's Copy," must have a copy of the Notice of Electronic Filing[2] for that document affixed as the first page, must be delivered to the court within **three business days** of the date of filing of the original document, and must be in the form required by LR 10.1 and LCrR 49.3. The court, in its discretion, may decide not to begin its consideration of the document until it has received the required judge's copy. The burden is on any party seeking immediate relief to immediately furnish the required judge's copy. Furthermore, failure to follow the judge's copy requirements may result in the document's being unfiled. If

[2] A link to the Notice of Electronic Filing and the electronically filed document will be automatically e-mailed to the filer upon the completion of the electronic filing procedure.

the judge's copy is mailed directly to the chambers of the presiding judge, delivery is complete upon mailing. Hand-deliveries must be made to the clerk's office at 1100 Commerce Street, Room 1452, Dallas, Texas 75242, must be enclosed in a sealed envelope that bears the name of the judge to whom the judge's copy is directed, and must identify itself as a "Judge's Copy." ***The court will not accept hand deliveries brought directly to chambers unless it specifically instructs a party to do so.*** **Please Note:** If this case or any portion of this case is referred to a United States magistrate judge, the magistrate judge may enter an order with additional specific requirements. Please see the magistrate judge's order for details.

4. **Proposed Orders:** A proposed order must be submitted with **every** motion via e-mail as instructed under the ECF system's "Proposed Orders" event. The subject line of the email transmitting the proposed order must be complete as directed in the instructions.

5. **Documents That Require Leave of Court to File:** A party who moves for leave of court to file an amended pleading, or any other document (e.g., surreply, document exceeding the page limit, etc.), must attach the proposed document as an exhibit to the motion for leave. If the motion for leave is granted, the moving party must **THEN submit the document for which leave was granted within three days AFTER** leave is granted,

unless otherwise ordered by the court. Attorneys are cautioned not to file prematurely a document that requires leave of court to file.

6. **Privacy Policy: Counsel must ensure that all documents filed with the court strictly comply with the privacy policy of the United States District Court for the Northern District of Texas. The privacy policy restricts the use and manner of use of certain types of information, including: social security numbers, driver license numbers, tax identification numbers, minors' names, birth dates, financial account numbers, credit card numbers, medical records, employment histories, proprietary or trade secret information, crime victim information, national security information, sensitive security information as described in 49 U.S.C. § 114(s), and information regarding an individual's cooperation with the government. The complete privacy policy may be found at http://www.txnd.uscourts.gov/pdf/TXNprivnot.pdf.**

7. **Questions:** ECF questions should be directed to the Office of the Clerk at (214)753-2200 or the ECF Help Desk at (866) 243-2866.